

**REMARKS**

Claims 1, 2, 4-6, 9, 10 and 12-21 are pending in the present application. By this amendment, claims 1, 4, 9, 10, 12 and 13 are amended and claims 3, 7, 8, 11 and 22-43 are canceled without prejudice or disclaimer. Reconsideration in view of the above amendments and the following remarks is respectfully requested. Unless otherwise indicated in the Remarks set forth below, the amendments to the claims are made for the purpose of correcting informalities and/or to more clearly define the claimed invention, and are not made for the purpose of overcoming the cited art.

The Patent Office objects to the Specification because an internet address on page 67, line 8 is inappropriately notated. The Specification has been amended to correct this notation, as well as another internet address notation on page 67, line 20. Accordingly, withdrawal of the objection is respectfully requested.

The Patent Office rejects claims 1-21, 42 and 43 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 3, 7, 8, 11 and 22-43 have been canceled, and thus their rejection is moot. The rejection of claims 1, 2, 4-6, 9, 10 and 12-21 is respectfully traversed.

Specifically, the Patent Office alleges that the term “substantial change” in claim 1 is a relative term which renders the claim indefinite, and that it is not clear if the term “means the same kind of change (such as color change vs. electron change etc.) and what level qualifies for

‘substantial change’’. Claim 1 has been amended to clarify that the second detectable quality “undergoes a sufficiently small percentage change when the protein sensing molecule is bound to the analyte to function as a reference.” Thus, Applicants respectfully submit that claim 1, and the claims that depend therefrom, particularly point out and distinctly claim the subject matter which applicants regard as the invention. Accordingly, withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

Applicants appreciate the Patent Office’s indication that claims 8, 9, 12 and 13 contain allowable subject matter and would be allowable if rewritten in independent form. Claim 1 has been rewritten to include the allowable features of claim 8, and claim 8 has been canceled. Claim 9 and 13 have been rewritten in independent form, and claim 12 has been amended to depend from amended claim 1. Accordingly, Applicant respectfully submits that claims 1, 9, 12 and 13 are now allowable as containing subject matter which the Patent Office indicated is allowable. Further, claims 2, 4-6, 9, 10 and 12-21 are also allowable as depending from allowable claim 1, as well as for the additional features they recite.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the

Serial No. 10/552,164  
Reply to Office Action of May 20, 2009

Docket No. **UMBC-0012**

application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **René A. Vazquez, Esq.**, at the telephone number listed below.

Respectfully submitted,  
Sinergia Technology Law Group, PLLC

/René A. Vazquez, Esq./  
Registration No. 38,647

Correspondence Address:

P.O. Box 9744  
McLean, VA 22102  
(703) 880-6599

Date: July 31, 2009

**Please direct all correspondence to Customer Number 68733**